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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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In re)	
)	
Amendment of § 73.202(b),)	MM Docket No. 98-***
Table of Allotments,)	RM-****
FM Broadcast Stations)	
(Leonard, Texas))	

To: The Chief, Allocations Branch,
Mass Media Bureau

PETITION FOR RULE MAKING

Thomas S. Desmond, by counsel, hereby petitions the Commission to commence a rule making seeking the allotment of Channel 273A to the community of Leonard, Texas. As this Petition will show, allotting Channel 273A to Leonard comports with the Commission's mandate under § 307(b) of the Communications Act to fairly apportion radio service among the several States and communities.

1. Leonard, although incorporated, currently lacks a local service. According to the 1990 Census, Leonard has a population of 1,744. In addition to its status as an incorporated community, Leonard has a number of other demographic attributes making it worthy of local service. The Leonard City Government has a Mayor, a City Council, a police department, and ee its own Post Office and Zip Code, 75452. There are also more than 37 independent businesses within Leonard. The town is outside any Urbanized Area. See Exhibit A hereto, the Engineering Statement of Stephan M. Kramer, P.E.

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2. Leonard clearly satisfies the demographic criteria for licensable communities. Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 101 (1982). Exhibit A hereto shows that the Commission may allot Channel 273A to Leonard in conformity with spacing and city-grade-service rules. Spacing constraints may require the imposition of a site restriction or of two other amendments to the FM Table to ensure transmitter sites for Channel 273A at Leonard that comport with the requirements of both §§ 73.207 and 73.315 of the Rules. Accordingly, Mr. Kramer's Engineering Statement presents two alternatives with regard to the allotment of Channel 273A to Leonard. The first alternative, Option 1, requires no other changes to the community of allotments. In this case, the reference point for Channel 273A at Leonard is 7.4 km north of the community. That still places Leonard well within the city-grade radius of a maximum-parameter Class A facility operating at the reference point. The other alternative, Option 2, requires no site restriction at all at Leonard. However, it does require frequency changes at Durant, Oklahoma (Channel 292A for Channel 296A) and at Madill, Oklahoma (Channel 296A for Channel 273A). The site restriction presented under Option 1 becomes unnecessary upon the denial of an Application for Review pending in MM Docket 95-126.

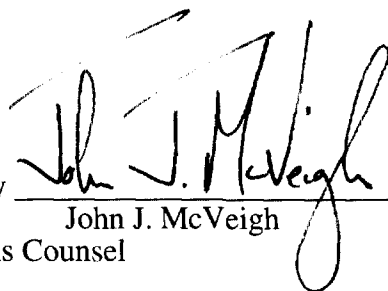
3. Mr. Desmond prefers the adoption of Option 1, but presents Option 2 should the Commission feel the need to allot the Channel without a site restriction prior to the termination of MM Docket 95-126. See, e.g., Chico, California, 6 FCC Rcd 4294 (1991). Should the Commission adopt Option 2 such that frequency changes must occur at Durant and Madill, and assuming the Commission awards the construction permit for Channel 273A at Leonard to Mr. Desmond, Mr. Desmond pledges to reimburse the affected licensees pursuant to the

guidelines set forth in Circleville, Ohio, 8 FCC 2d 159 (1967). Furthermore, the two frequency changes (one at Durant, the other at Madill), *assuming the Commission deems them necessary*, are permitted under Columbus, Nebraska, 59 Rad. reg. (P & F) 2d 1184 (1986).

4. Mr. Desmond hereby states his intent to apply for Channel 273A to Leonard upon the Commission's allotment of the frequency to that community. Mr. Desmond further states his intent to expeditiously construct the facility his application will specify, upon grant of that application, to then begin providing local service to the community, and to seek a license to cover his authorized facility.

5. For the above reasons, Mr. Desmond requests the allotment of Channel 273A to the community of Leonard, Texas.

THOMAS S. DESMOND

By 
John J. McVeigh
His Counsel

JOHN J. McVEIGH, ATTORNEY AT LAW
12101 Blue Paper Trail
Columbia, Maryland 21044-2787
(301) 596-1655

Date: April 2, 1998

EXHIBIT A

14210-7100
STEPHAN M. KRAMER, P.E.

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ENGINEERING STATEMENT

This Engineering Statement was prepared on behalf of Thomas S. Desmond in support of a new Rulemaking Petition to amend the FM Table of Allotments (Section 73.202.) Specifically, Mr. Desmond seeks to have Channel 273A assigned to the community of Leonard, Texas as follows:

<u>City, State</u>	<u>Channel</u>	
	<u>Present</u>	<u>Proposed</u>
<u>OPTION 1</u>		
Leonard, TX	-	273A*
<u>OPTION 2</u>		
Durant, OK	248C2, 296A	248C2, 292A
Madill, OK	273A**	296A**
Leonard, TX	-	273A*

* Site restriction 7.4 kilometers north required.

** Station KMAD-FM at Madill, Oklahoma presently operates on Channel 272A; There exists a pending Docket MM95-126 requesting a change to Channel 273A (Petition for recon. denied 07-18-97, petition for review filed 08-18-97.) If/when the petition for review is denied, Option 2 becomes unnecessary.

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With a grant of the Petition which this statement supports, Mr. Desmond would have the Commission serve the public interest, convenience, and necessity by amending Section 73.202(b), thus providing the community of Leonard with its first local service, and will result in a more efficient use of FM spectrum.

I. DEMOGRAPHIC DATA

The community of Leonard, Texas is an incorporated city within Fannin County, approximately 84 kilometers northeast from Dallas. The 1990 Census lists the Leonard population at 1,744 persons, and the total Fannin County population at 24,804 persons. The city has identifiable boundaries as required in the Revision of FM Assignment Policies and Priorities, 51 R.R. 2d 807, 816 (1982).

The city of Leonard is served by a Mayor, City Council, and police department. In addition, there are over 37 independent businesses within Leonard, and the community is located outside of any urbanized area.

II. PETITIONER WILL APPLY FOR THE REQUESTED FACILITY

Thomas S. Desmond will file an application for Channel 273A at Leonard and promptly begin construction upon issuance of a construction permit if the instant petition is granted. See FM Channel Assignments, 53 R.R. 2d, 341, 344.

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III. ENGINEERING DATA

The requested coordinates for the proposed Channel 273A allocation at Leonard, Texas are:

N.L. 33-26-42

W.L. 96-14-02

This location is 7.4 kilometers north from the reference coordinates for Leonard (N.L. 33-22-46, W.L. 96-14-50.) This site restriction is necessary to provide minimum required spacing toward station KBRQ (FM), Channel 273C1, Hillsboro, Texas. Table 1.0 presents the allocation study results from the above requested coordinates.

An alternate request (Option 2) is advanced herein due to a pending application for review filed 08-18-97 in MM Docket 95-126. Table 2.0 presents the alternate Channel 292A allocation study for Station KLBC (FM), Channel 296A, Durant, Oklahoma. Likewise, Table 3.0 presents the alternate Channel 296A allocation study for Station KMAD-FM, Channel 273A, Madill, Oklahoma. Thomas S. Desmond agrees to provide reimbursement expenses consistent with Commission policy for each of the above stations to change frequencies following grant and implementation of the instant petition.

Wherefore, the premises considered, it is respectfully requested the Commission institute a rulemaking proceeding to amend the FM Table of Allotments, Section 73.202(b) by the addition of Channel 273A to Leonard, Texas, and if deemed necessary, issue Show Cause Orders modifying the licenses for Stations KMAD-FM and KLBC.

STEPHAN M. KRAMER, P.E. AND ASSOCIATES
BROADCAST AND FAA CONSULTING ENGINEERS
10500 BIGHORN TRAIL, SUITE 100 FRISCO, TX 75035-6626 (972) 529-5123

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TABLE 1.0
FM ALLOCATION ANALYSIS
PROPOSED CHANNEL 273A ALLOTMENT

=====

THOMAS S. DESMOND
NEW 102.5 MHz LEONARD, TEXAS

FM Study for: NEW TOMD	FCC Database	33-26-42
Location: LEONARD, TX	Channel Class: A	96-14-02
Call City, State	Chan Class Freq kW Latitude Dist.	Required
Status Proponent	File Number HAAT Longitude Azm.	Clear (km)

>>>>>>> Study For Channel 273 102.5 mHz <<<<<<<

KMADFM MADILL, OK	273 A 102.5	34-06-24	88.9	115	
ADD HUNT BROADCASTING, IN Docket-95-126	0	96-46-30	325.8	-26.1	SHORT
Use of 73.215 for short spacing requires: 92 -3.1 SHORT					
Petition for Recon D95-126, 960614 by Carephil Communications-Petition					
Denied 970718-Application for Review 970818					

KBRQ HILLSBORO, TX	273 C1 102.5 100.	31-49-29	199.54	200	
LIC SONACE WACO LICENSE S	BLH-840326AS 137	97-09-33	206.0	-0.46	CLOSE

KKYRFM TEXARKANA, TX	273 C1 102.5 100.	33-25-48	199.77	200	
LIC GULFSTAR COMMUNICATIO	BLH-891218KD 140	94-05-08	89.9	-0.23	CLOSE

KMADFM MADILL, OK	272 A 102.3 3.00	34-06-24	88.9	72	
LIC RADIO STATION KMAD	BLH-850523KA 71	96-46-30	325.8	+16.9	CLEAR

KMADFM MADILL, OK	272 A 102.3	34-06-24	88.9	72	
DEL HUNT BROADCASTING, IN Docket-95-126	0	96-46-30	325.8	+16.9	CLEAR
Petition for Recon D95-126, 960614 by Carephil Communications-Petition					
Denied 970718-Application for Review 970818					

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TABLE 2.0
FM ALLOCATION ANALYSIS (OPTION 2)
FOR STATION KLBC (FM), DURANT, OK
=====

THOMAS S. DESMOND
NEW 102.5 MHz LEONARD, TX

FM Study for: KLBC	FCC Database	34-00-07
Location: DURANT, OK	Channel Class: A	96-25-19
Call City, State	Chan Class Freq kW Latitude Dist.	Required
Status Proponent	File Number HAAT Longitude Azm.	Clear (km)

>>>>>> Study For Channel 292 106.3 MHz <<<<<<<

KHKS	DENTON, TX	291 C	106.1	100.	32-35-22	164.75	165	
LIC	PACIFICA & SOUTHERN C	BLH-840523DM	483		96-58-10	198.2	-0.25	CLOSE
KTLS	HOLDENVILLE, OK	293 C3	106.5	25.0	34-54-50	101.6	89	73.215
CP	TYLER BROADCASTING CO	BMPH-961220IB	100		96-31-20	354.8	+12.6	CLOSE
One-Step Application (Mod) from channel 293A								
KFXT	SULPHUR, OK	291 A	106.1		34-37-22	85.7	72	
ADD	BOWIE-NOCONA BROADCAST	Docket-97-84			0 96-58-37	323.6	+13.7	CLOSE
Site Restriction 12.7km North								

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10500 BIGHORN TRAIL, SUITE 100 FRISCO, TX 75035-6626 (972) 529-5123

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TABLE 3.0
FM ALLOCATION ANALYSIS (OPTION 2)
FOR STATION KMAD-FM, MADILL, OK
=====

THOMAS S. DESMOND
NEW 102.5 MHz LEONARD, TX

FM Study for: KMADFM	FCC Database	34-06-24
Location: MADILL, OK	Channel Class: A	96-46-30
Call City, State	Chan Class Freq kW Latitude Dist.	Required
Status Proponent	File Number HAAT Longitude Azm.	Clear (km)

>>>>>> Study For Channel 296 107.1 MHz <<<<<<<

ALLOC DURANT, OK	296 C3 107.1	34-13-33	35.2	142	
VAC	-	0	96-25-15	67.9	-106.8 SHORT

Use of 73.215 for short spacing requires: 119 -83.8 SHORT

Effective 10-29-90 -- Reserved for KLBC per Docket 88-48 -- downgraded from Class C2 to C3 by grant of BMPH-940401IA on 950410 at the applicant's request. (BMPH-940401IA cancelled by letter 960807)

KLBC DURANT, OK	296 A 107.1	5.1	34-00-07	34.6	115
APP DURANT BROADCASTING C	BMLH-920203KB	108	96-25-19	109.5	-80.4 SHORT

Use of 73.215 for short spacing requires: 92 -57.4 SHORT

* To Channel 296C3 per Docket 88-48

KLBC DURANT, OK	296 A 107.1	2.00	34-00-07	34.6	115
LIC DURANT BROADCASTING C	BLH-880819KF	108	96-25-19	109.5	-80.4 SHORT

Use of 73.215 for short spacing requires: 92 -57.4 SHORT

* To Channel 296C3 per Docket 88-48

KYNZ LONE GROVE, OK	294 A 106.7	5.5	34-14-09	45.8	31
LIC CHUCKIE BROADCASTING	BLH-920611KB	104	97-14-48	288.4	+14.8 CLOSE

-7-

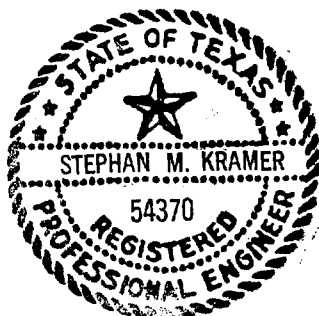
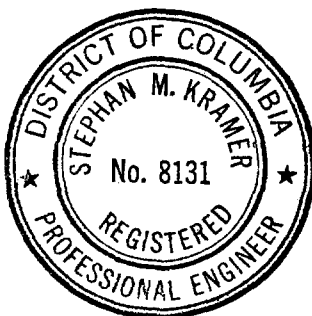
ENGINEERING AFFIDAVIT

State of Texas)
) ss:
County of Collin)

Stephan M. Kramer, being duly sworn, deposes and states that he is a Registered Professional Engineer licensed in Texas and the District of Columbia, that he holds a B.S. Degree in Electrical Engineering from the University of Akron, and that he is a qualified and experienced Communications Consulting Engineer whose expert testimony and works are a matter of record with the Federal Communications Commission having received numerous application grants. He further states Mr. Thomas S. Desmond retained the firm of Stephan M. Kramer, P.E. and Associates to prepare the attached Engineering Statement.

The deponent further indicates the Statement was prepared by him or under his direction and is true of his own knowledge, except as to statements made on information and belief and as to such statements, he believes them to be true.

This declaration is made under penalty of perjury under the laws of the United States.



Stephan M. Kramer, P.E. 03-11-98

Stephan M. Kramer, P.E.
Texas P.E. # 54370
District of Columbia P.E. # 8131